

**REMARKS**

The Office Action mailed July 13, 2005 has been carefully reviewed and, in view of the above amendments and following remarks, reconsideration and allowance of the application are respectfully requested.

As an initial matter, the Applicant appreciates the opportunity to conduct a telephone interview with the Examiner on August 9, 2005. This amendment is submitted in accordance with the interview.

**I. Summary of Claims**

Claims 1-35 are currently pending in the application, with claims 1, 12, 21, 24, 30, and 33 being independent claims. No claims are cancelled or added. Claims 1, 12, 21, and 24 are amended, in accordance with the above amendments. Claims 2-11, 13-20, 22-23, and 25-35 are unamended and remain, therefore, in their original, as-filed condition.

Each of claims 1-35 were rejected in the Office Action under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Number 5,933,918 to Wallays.

**II. Discussion of Wallays**

Wallays discloses a handle with interchangeable kitchen implements. The handle includes a mounting portion with two arms that extend forward and define attachment points. A kitchen implement, such as a cutting wheel, is positionable between the arms such that the attachment points join with opposite sides of the kitchen implement, thereby rotatably-securing the kitchen implement to the mounting portion. More particularly, Wallays states that "The implement 14...is a food cutting wheel, for example a pizza cutter, and includes a cutting disk 40 with opposed stub shafts 42 rotatably engaged within opposed journals 44 defined in the forward ends of a pair of arms 46. The arms 46, while substantially rigid, have a slight degree of flexible resiliency to allow for a springing apart of these arms 46 to mount the disk 40 therebetween" (Wallays, column 3, lines 42-49).

### III. The Claims Patentably Distinguish Over The Applied Prior Art

#### *Discussion of Independent Claim 1*

Independent claim 1 recites a culinary implement including a handle, a single attachment arm, and a head portion. The handle has an elongate configuration that defines a pair of ends and a longitudinal axis extending through the ends. The attachment arm is secured to the handle and extends beyond one of the ends of the handle. The attachment arm has a non-linear configuration that defines an end area of the attachment arm, and the end area incorporates a first part of an attachment mechanism. At least one of the end area and the first part define a rotation axis that is substantially perpendicular to the longitudinal axis. The head portion is rotatable about the rotation axis and has a first side and an opposite second side. The second side of the head portion incorporates a second part of the attachment mechanism, which is joinable with the first part to secure the head portion to the attachment arm. The second part is separable from the first part to detach the head portion from the attachment arm. The attachment arm attaches to only the second side of the head portion and is absent from the first side of the head portion.

Independent claim 1 recites a configuration wherein the culinary implement includes a single attachment arm. In contrast with independent claim 1, Wallays discloses the kitchen implement as having two arms. More particularly, Wallays explicitly states that the implement includes "a pair of arms" (Wallays, column 3, line 46). Accordingly, Wallays does not disclose a single attachment arm, as recited by independent claim 1.

Independent claim 1 also recites that the head portion has a first side and an opposite second side, and the attachment arm attaches to only the second side of the head portion and is absent from the first side of the head portion. In Wallays, the pair of attachment arms attach to both sides of the cutting wheel. Accordingly, Wallays does not disclose the configuration wherein the attachment arm attaches to only one side of the head portion.

Based upon the above discussion, the Applicant respectfully submits that independent claim 1 is allowable over Wallays, and that dependent claims 2-11 should be allowable for at least the same reasons.

*Discussion of Independent Claims 12, 21, and 24*

Independent claim 12 recites a culinary implement having a handle, a single attachment arm, and a rotatable head portion. The head portion has a first side and an opposite second side, and the attachment arm extends adjacent to the second side of the head portion and is absent from an area adjacent to the first side of the head portion.

Independent claim 21 recites a culinary implement having a handle, a single attachment arm, and a plurality of generally cylindrical head portions. At least one of the head portions has a first side and an opposite second side. The second side includes a part of an attachment mechanism to join the attachment arm to the second side, and the attachment mechanism is absent from the first side.

Independent claim 24 recites a culinary implement having a handle, a single attachment arm, a first head portion, and a second head portion. The first head portion has a generally cylindrical configuration that includes a pair of first side surfaces. Only one of the first side surfaces is joinable with the attachment arm to rotatably-secure the first head portion to the attachment arm. The second head portion that is interchangeable with the first head portion and has a generally cylindrical configuration that includes a pair of second side surfaces. Only one of the second side surfaces is joinable with the attachment arm to rotatably-secure the second head portion to the attachment arm.

As with independent claim 1, each of independent claims 12, 21, and 24 recite a single attachment arm. In contrast, Wallays discloses the kitchen implement as having two arms. More particularly, Wallays explicitly states that the implement includes "a pair of arms" (Wallays, column 3, line 46). Accordingly, Wallays does not disclose a single attachment arm, as recited by independent claims 12, 21, and 24.

In contrast with independent claim 12, the pair of attachment arms in Wallays extend adjacent to both sides of the cutting wheel. In contrast with independent claim 21, both sides of the cutting wheels in Wallays include a part of an attachment mechanism. Furthermore, and in contrast with independent claim 24, the cutting wheels of Wallays are disclosed as having a configuration wherein both sides of the cutting wheels are joinable with the mounting portion. Accordingly, Wallays does not disclose the configurations recited by independent claims 12, 21, and 24.

Based upon the above discussion, the Applicant respectfully submits that independent claims 12, 21, and 24 are allowable over Wallays, and that dependent claims 13-20, 22-23, and 25-29 should be allowable for at least the same reasons.

*Discussion of Independent Claims 30 and 33*

Independent claim 30 recites a culinary implement having a handle and a head portion secured beyond an end of the handle. The handle has an elongate configuration, and the head portion is rotatable with respect to the handle. The head portion includes a plurality of outwardly-extending projections, and at least a portion of the projections have a twisted configuration. Independent claim 33 recites a similar structure wherein the projections have a pyramidal shape that defines a point and a height axis extending inward from the point, and the projections are deformed in a direction that extends around the height axis.

The configurations recited by independent claims 30 and 33 are not disclosed by Wallays. More particularly, Wallays does not disclose projections with a twisted configuration, and Wallays does not disclose projections deformed in a direction that extends around a height axis. Furthermore, the Office Action does not present a *prima facie* case that suggests Wallays discloses these features.

Based upon the above discussion, the Applicant respectfully submits that independent claims 30 and 33 are allowable over Wallays, and that dependent claims 31-32 and 34-35 should be allowable for at least the same reasons.

*Discussion of Dependent Claims 3, 15, and 27*

Claim 3 recites a configuration wherein the kitchen implement includes a release mechanism for separating the first part and the second part. The release mechanism includes an actuator and a connector. The actuator is incorporated into the handle and accessible from an exterior of the handle, and the connector extends through the attachment arm to join with both the actuator and the first part. Claims 15 and 27 recite a similar configuration.

Wallays discloses a configuration wherein protrusions on the cutting wheels join with apertures in the pair of arms. According to Wallays, "The arms 46, while substantially rigid, have a slight degree of flexible resiliency to allow for a springing apart of these arms 46 to mount the disk 40 therebetween" (Wallays, column 3, lines 46-49). This structure does not

include a connector that extends through an arm to join with both an actuator and a part of the attachment mechanism. Accordingly, the Applicant respectfully submits that claims 3, 15, and 27 are allowable over Wallays.

*Discussion of Dependent Claims 7, 17, 23, 25*

Claim 7 recites a configuration wherein the a side of the head portion defines a depression, and the end area of the attachment arm extends into the depression when the head portion is secured to the attachment arm. Claims 17, 23, and 25 recite a similar configuration.

Wallays discloses a configuration wherein protrusions on the cutting wheels join with apertures in the pair of arms. There is no teaching or suggestion, however, that the arms extend into one or more depressions in the cutting wheels when the cutting wheels are secured to the kitchen implement. Accordingly, the Applicant respectfully submits that claims 7, 17, 23, and 25 are allowable over Wallays.

*Discussion of Dependent Claims 8-9, 19, and 28-29*

Claims 8 and 28 recite a configuration wherein a plurality of projections extend outward from the head portion, and the projections having a twisted configuration. Claim 9 recites a configuration wherein a plurality of projections extend outward from the head portion. The projections have a pyramidal shape that defines a point and a height axis extending inward from the point, and the projections are deformed in a direction that extends around the height axis. Claims 19 and 29 recite a similar configuration.

As discussed with respect to independent claims 30 and 33, Wallays does not teach or suggest this configuration. Accordingly, the Applicant respectfully submits that claims 8-9, 19, and 28-29 are allowable over Wallays.

**IV. Conclusion**

In view of the foregoing, the Applicant respectfully submits that all claims are in a condition for allowance. The Applicant respectfully requests, therefore, that the rejections be withdrawn and that this application now be allowed.

This Amendment is being timely filed by facsimile transmission on August 10, 2005. Should additional fees or an extension of time be deemed necessary for consideration of this

Amendment, such fees or extension are hereby requested and the Commissioner is authorized to charge deposit account number 19-0733 for the payment of the requisite fee. If anything further is desirable to place the application in even better form for allowance, the Examiner is respectfully requested to telephone the undersigned representative at (503) 425-6800.

Respectfully submitted,

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